

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

MONTANA ENVIRONMENTAL  
INFORMATION CENTER, SIERRA  
CLUB, WILDEARTH GUARDIANS, and  
CITIZENS FOR CLEAN ENERGY,

Plaintiffs,

v.

MONTANA DEPARTMENT OF  
ENVIRONMENTAL QUALITY,  
CHRISTOPHER DORRINGTON, in his  
official capacity as Director of Montana  
Department of Environmental Quality, and  
DAN WALSH in his official capacity as  
Bureau Chief of the Mining Bureau of the  
Montana Department of Environmental  
Quality,

Defendants,

and

WESTMORELAND ROSEBUD MINING  
LLC, and AUSTIN KNUDSEN, in his  
official capacity as Attorney General of the  
State of Montana,

Defendant-Intervenors.

**CV-23-28-GF-BMM**

**ORDER**

## INTRODUCTION

The Court granted previously Plaintiffs’ Montana Environmental Information Center, Sierra Club, WildEarth Guardians, and Citizens for Clean Energy (collectively “Plaintiffs”) and Defendants’ Montana Department of Environmental Quality, Christopher Dorrington, and Dan Walsh (collectively “Defendants”) joint motion for a stay and stipulation on June 23, 2023. (Doc. 10.) The Court stayed consideration of Plaintiffs’ motion for a temporary restraining order and preliminary injunction for 210 days. (*Id.*)

The Court subsequently extended the initial 210 day stay twice. (*See* Doc. 51); (Doc. 57.) The Court conducted a telephonic status conference on August 15, 2024, in Great Falls, Montana. The Court heard argument concerning the status of the Office of Surface Mining Reclamation and Enforcement’s (“OSMRE”) review of the two Montana statutes at issue in this action: House Bill 576 (“H.B. 576”) and Senate Bill 392 (“S.B. 392”). The Court deems it prudent to extend the stay one final time while the OSMRE’s review of H.B. 576 and S.B. 392 remains pending. The Court will consider the parties’ substantive arguments should the review of H.B. 576 and S.B. 392 remain incomplete upon the expiration of the stay period.

## ORDER

Accordingly, **IT IS ORDERED:**

1. The Court extends the previous 210 days stay. The Court's stay shall last through October 15, 2024.
2. During the stay, the parties are ordered not to take any action to apply, effectuate, or enforce the provisions of H.B. 576 or S.B. 392.
3. The parties are ordered to file a status report with the Court upon the issuance of a decision from the OSMRE, or upon the expiration of the stay, whichever occurs first.
4. The Court will conduct an additional telephonic status conference if OSMRE fails to issue a decision as to either H.B. 576 or S.B. 392 within the stay period. The Court will be inclined to consider the parties' arguments to avoid the perpetual continuation of this action.

DATED this 15th day of August 2024.

A handwritten signature in blue ink, reading "Brian Morris".

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Brian Morris, Chief District Judge  
United States District Court